

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ADNAN ABDULKADIM ALKHAFAJI,)
)
Plaintiff,)
) No: 3:07-0670
v.) Judge Trauger/Bryant
)
MICHAEL B. MUKASEY, et al.,)
)
Defendants.)

TO: The Honorable Aleta A. Trauger

REPORT AND RECOMMENDATION

This case has been referred to the undersigned Magistrate Judge for report and recommendation on dispositive motions. (Docket Entry No. 3).

Plaintiff, proceeding pro se and in forma pauperis, has filed his complaint seeking a hearing on his naturalization application and reinstatement of his Social Security benefits. (Docket Entry No. 1).

Defendants have filed their motion to dismiss complaint as moot and for lack of subject matter jurisdiction. (Docket Entry No. 11). In support of their motion, defendants assert that plaintiff's naturalization application has now been approved and that he was scheduled for the naturalization oath ceremony on Friday, December 7, 2007. Furthermore, defendants state that, to the extent that plaintiff's complaint seeks reinstatement of Social Security disability benefits, this Court lacks subject matter jurisdiction because plaintiff has not exhausted his administrative remedies.

Plaintiff has filed no response to this motion.

On December 21, 2007, the undersigned entered an order requiring the plaintiff to show cause on or before January 15, 2008, why defendants' motion to dismiss should not be granted. This order informed the plaintiff that his failure to make a response may cause the undersigned Magistrate Judge to recommend dismissal of the complaint. Despite the expiration of the deadline imposed in this order, plaintiff has failed to respond or otherwise show cause why the complaint should not be dismissed.

RECOMMENDATION

In the absence of a response by the plaintiff, as described above, the undersigned Magistrate Judge hereby **RECOMMENDS** that defendants' motion to dismiss should be **GRANTED** and that the complaint should be **DISMISSED** without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'q denied, 474 U.S. 1111 (1986).

ENTERED this 25th day of January, 2008.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge